

### **R E M A R K S**

Applicant has carefully reviewed the Office Action dated October 20, 2003, and respectfully request reconsideration in view of the following remarks. A separate petition and fee to extend the time to respond by 1 month accompany this response.

Claims 2-14 pending in this application were rejected.

### **Claim Rejections – 35 USC 112**

Claims 2 and 3 were rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, as indefinite for being dependent on canceled claim 1.

In Applicant's previous Amendment filed with the RCE application, Claims 2 and 3 had been amended to depend on claim 14. The examiner should check the previous amendment for this adjustment. Accordingly, this rejection is moot and should be withdrawn.

### **Double Patenting Rejection**

Claims 2-14 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-13 of Applicant's US Patent No. 6,423,850. Applicant submits herewith a timely filed terminal disclaimer to overcome this rejection. Withdrawal of this rejection is therefore respectfully requested.

### **Supplemental Information Disclosure Statement**

A supplemental IDS is submitted herewith along with the appropriate fee. In this IDS, Applicant wishes to bring to the examiner's attention the additional references cited in the corresponding International Application. These additional references are believed to be merely cumulative to the prior art already considered by the examiner.

**Conclusion**

For the forgoing reasons, the application should now be in allowable form. If for some reason the application is not allowable, Applicant's attorney requests a telephonic interview with the Examiner to discuss the case and any additional amendments to the claims that may be required to place the case in allowable form.

Respectfully submitted,     i



STEVEN C. BENJAMIN  
ATTORNEY FOR APPLICANT  
REGISTRATION NO. 36,087  
TELEPHONE: (302) 992-2236  
FACSIMILE: (302) 992-2533

Dated: 2/17/04